

CONCILIATION ACT, 1896

MINUTE OF APPOINTMENT

WHEREAS by the Conciliation Act, 1896, the Minister of Labour is empowered to inquire into the causes and circumstances of a difference that exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen ;

AND WHEREAS a difference exists between the National Association of Colliery Overmen, Deputies and Shotfirers and the National Coal Board ;

NOW THEREFORE the Minister of Labour by virtue of the said Act, hereby appoints Mr. J. G. Picton, M.Com., to inquire into the causes and circumstances of the difference which led to the recent stoppage in the South Wales coalfield and to report.

AND the Minister further appoints Mr. D. W. Jones to act as Secretary.

SIGNED by order of the Minister of Labour this 8th day of June 1965.

(Sgd.) A. F. A. SUTHERLAND,
*Assistant Secretary,
Ministry of Labour.*

REPORT

To the Right Honourable the MINISTER OF LABOUR.

SIR,

1. I was appointed by you on 8th June 1965, under the provisions of the Conciliation Act, 1896, to inquire into the causes and circumstances of the difference between the National Association of Colliery Overmen, Deputies and Shotfirers and the National Coal Board.

2. In accordance with the terms of my appointment I have the honour to submit the following Report.

INTRODUCTION

Presentation

3. The submissions of the parties were heard partly in public and partly in private in Cardiff on 24th and 25th June 1965 at the Arts Building, University College of South Wales and Monmouthshire, Park Place, Cardiff. The case for the National Association of Colliery Overmen, Deputies and Shotfirers was presented by Mr. E. J. White (President, South Wales Area). The case for the National Coal Board was presented by Mr. J. G. Tait (Industrial Relations Director, South Western Division). The case for the National Union of Mineworkers was presented by Mr. Glyn Williams (Vice-President, South Wales Area). Evidence for the National Union of Mineworkers was also given by Mr. D. Francis, Mr. Ben Morris and Mr. Emlyn Williams. The three organisations submitted written Statements of Case to me and exchanged these between themselves in advance and were given the opportunity of elaborating upon them in the course of the hearing.

4. The National Association of Colliery Overmen, Deputies and Shotfirers are referred to throughout as the Association; the National Coal Board are referred to as the Board and the National Union of Mineworkers are referred to as the Union.

Organisation in the South Wales Coalfield

5. The South Wales coalfield, together with the smaller Somerset coalfield (which was not affected by the dispute) constitutes the South-Western Division of the National Coal Board. The Board operate some 90 mines in the Division, each under the control of a Mine Manager. The mines are organised in Groups under the control of a Group Manager. The Division is divided into six geographical Areas, each of which contains a number of Groups and each Area is under the control of an Area General Manager. With the exception of one colliery, Cambrian Colliery, in No. 3 (Rhondda) Area, all the Board's collieries in South Wales were affected by the dispute.

6. Overmen, Deputies and Shotfirers in South Wales are members of the National Association of Colliery, Overmen, Deputies and Shotfirers (N.A.C.O.D.S.). In certain other coalfields, Overmen and Shotfirers may be members of the National Union of Mineworkers (N.U.M.). The Board at national level recognise the Association and the Union jointly in respect of Overmen and Shotfirers, but the Association exclusively in respect of Deputies. Mineworkers in the South Wales coalfield are, as elsewhere, members of the Union. Both the Union and the Association in South Wales have an "Area" organisation based on the coalfield and a lodge organisation which embraces one or more collieries. The Union's "Area" corresponds to the Board's "Division" while the Association's "Area" corresponds to the Board's "Division", excluding the Somerset and Bristol Group. In addition local Lodges of the Association are grouped into "Districts" covering the coalfield.

Duties of Under-Officials

7. There are three classes of colliery Under-officials: Overmen, Deputies and Shotfirers. All Under-official appointments are regulated by statute.

Paragraph 9(1) of the Coal and Other Mines (Managers and Officials) Regulations 1956, made under the Mines and Quarries Act 1954 reads as follows:—

“In every mine competent persons appointed by the Manager as Deputies shall each during his shift in the district assigned to him—

- (a) have the immediate charge of the workmen for the time being in that district and of all operations carried on by them therein; and
- (b) make such inspections and carry out such other duties with regard to the presence of gas, ventilation, support of roof and sides and general safety (including the health of persons working in that district) as are required by the Act or by regulations . . .”

No person may be appointed as a Deputy unless he holds appropriate qualifications, as laid down in the Regulations.

An Overman is an underground official superior to a Deputy, but subordinate to the Manager and Under-Manager of the Mine, and under Paragraph 8 of the same Regulations “shall to the extent of his jurisdiction have the duty of securing compliance with all requirements imposed by or under the [Mines and Quarries] Act and the safe performance of all operations.” No person may be appointed as an Overman unless he holds qualifications at least equivalent to those required of a Deputy; the appointment is also subject to certain other conditions relating to age and experience.

No Shotfirer was concerned in the incident.

EVENTS LEADING UP TO THE STRIKE

8. The dispute started at the beginning of the day shift on Wednesday 21st April 1965 with an incident between a Deputy, Mr. John Pugh, and a young workman, Mr. Roger Jones. The incident occurred at the lamp station near the pit bottom at Deep Duffryn Colliery in the No. 4 (Aberdare) Area of the South Western Division. Both men swore at each other in the course of exchanges which took place between them over the booking of Jones's time and Jones was sent out of the pit. Other workmen who were present at the lamp station at the time of the incident began to walk to their working places but shortly afterwards the day shift workers, who comprised 319 of the 690 men at the colliery, came out on strike. This was followed by a withdrawal of all Union labour from the pit.

9. The Union Lodge agreed to resume working on Monday 26th April on the understanding that a meeting would take place at the pit at 10 a.m. that day between the Board, the Union and the Association. The Association, however, did not send representatives, the meeting did not take place, and there was a further withdrawal of all Union labour. Fresh arrangements were made for a meeting between the three organisations to take place at Area No. 4 Headquarters on Wednesday 28th April and normal working was resumed that day.

10. No conclusion was reached at the meeting held on 28th April but the Board at Area level undertook to give a decision by Friday 30th April; at this point in time the two men involved in the incident were continuing to work in the same district (V.35) in their normal jobs. In the event the

Board did not arrive at a decision by 30th April. Numerous informal attempts were made between then and 11th May to have the incident resolved locally by agreement but without success.

11. At the request of Mr. E. J. White, President of the South Wales Area of the Association, a meeting took place on Tuesday 11th May between the Divisional Board and representatives of the Association who pressed the Board to come to a decision regarding the incident. The Association also expressed their concern about the difficulties under which their members had been working at Deep Duffryn Colliery for the past two years. The Board said they might find it necessary to hold an enquiry to establish the facts of the dispute and the Association indicated their willingness to co-operate in such an enquiry. They would not, however, be prepared to agree to the transfer of Pugh from the district in which he was working since this would be tantamount to an admission that he had acted improperly.

12. At the request of Mr. W. Whitehead, President of the South Wales Area of the Union, a meeting took place on Monday 17th May between the Divisional Board and representatives of the Union, who also pressed the Board to declare what action they proposed to take regarding the incident. The Board said they needed further investigation into the facts of the incident because the existing evidence was conflicting. An enquiry would start at 9 a.m. on 18th May and the Board would give a decision at the end of the day. Mr. Watcyn Williams, Divisional Staff Director, was appointed to hold the enquiry with Mr. D. Francis, General Secretary of the South Wales Area of the Union, Mr. E. J. White and Mr. J. G. Tait, Divisional Industrial Relations Director, sitting as assessors.

The Cambrian Colliery explosion occurred on 17th May and Mr. White notified the Board that he would be unable to attend the enquiry on the following day because his presence was required at Cambrian Colliery.

13. The enquiry was postponed for twenty-four hours and took place on the morning of Wednesday 19th May. Later that day the Board wrote to the Association and the Union; a copy of their letter to Mr. White is reproduced in Appendix 1. The Board decided:—

- (a) that John Pugh should be placed in charge of a district at Deep Duffryn other than V.35 Training District. This did not imply that in the Board's view Pugh must not at any time be in charge of a Training District;
- (b) that Roger Jones should be moved in his present grade and job to another part of the pit not being the district of John Pugh;
- (c) that if the National Union of Mineworkers and the National Association of Colliery Overmen, Deputies and Shotfirers considered that standards of discipline and relationships at the colliery required to be improved by discussion at higher than colliery level, the Divisional Board would willingly assist in achieving this end.

14. Copies of the Board's decision were delivered by hand to local representatives of the Association and the Union on the evening of 19th May. On that evening members of the Association at Deep Duffryn, Abergorki and Penrikyber Collieries went on strike.

COURSE OF EVENTS DURING THE STRIKE

15. The strike of Under-officials gradually spread throughout that District of the Association which contained Deep Duffryn Colliery. The District comprises most of the pits of the Board's No. 3 (Rhondda) Area and No. 4 (Aberdare) Area and also Windsor Colliery in No. 5 (Rhymney) Area. By Monday 24th May virtually all the Association's members at all pits in the District were on strike. The statement reproduced in Appendix 2 shows the number of men in the coalfield who were ultimately involved in or affected by the stoppage.

16. In a letter dated 21st May 1965, Mr. D. Francis informed the Board's Divisional Secretary that the Union's Executive Council accepted the Board's decision of 19th May.

17. A special meeting of the South Wales Executive Council of the Association was held on Saturday 22nd May. The Executive Council were of the opinion that there had been a failure on the part of the Board to carry out the agreed conciliation procedure for dealing with disputes. It was decided that a further attempt should be made to persuade the Board to operate the conciliation procedure and that the Board be requested to put the district V.35 in dispute while that procedure was being carried out. If the Board were not prepared to agree to this a coalfield strike would be called.

18. On Monday 24th May Mr. White had a private meeting at 10.30 a.m. with the Board's Divisional Chairman and the Industrial Relations Director and put before them the views of his Executive Council. At 3.30 p.m. that afternoon the Board informed Mr. White that they could not alter the decision they had already made. A meeting of the Association's Executive Council was taking place at the time and it was decided to call a strike throughout the coalfield.

19. A special meeting of the Association's National Executive Committee took place on the evening of 26th May and the Board were informed that the Committee had adopted the following resolutions :—

- “(a) This Committee reaches a unanimous conclusion that the South Wales Area have breached the national rules, namely, Rule 20.
- (b) We ask Under-officials in South Wales to return to work immediately.
- (c) To resolve this dispute we ask the Board to put this case back to pit level and return to the status quo.
- (d) We have definite proof that the conciliation procedure has not been operated according to the national agreement between the Board and the Association as no meeting was held at pit level as the first step.
- (e) Failure to carry out the above means the dispute will get the full support of the National Executive Committee.”

20. On Thursday 27th May Lord Robens, Chairman of the National Coal Board, offered to meet officials of the Association at Blackpool. This was accepted and a meeting took place on the evening of 28th May. After a general discussion of the situation, which included the question of discipline and the relationship between mineworkers and Under-officials in South Wales, Lord Robens suggested as a formula for settlement that “the

position which obtained five minutes before the incident should be re-established *provided* that high level talks on the wider issues should proceed within 28 days." It was made clear that any formula could be adopted only if it were acceptable to the Association, the Union (South Wales Area) and the South Western Divisional Board.

21. Both the Association and the Divisional Board accepted the formula. On Saturday 29th May, the Chairman and other members of the Divisional Board met the Union's South Wales Executive Council and suggested:—

- (a) that the Board be released from their decision of 19th May, and
- (b) that the formula put forward be accepted.

This suggestion was considered by a meeting of the Executive Council who adopted the following resolution:—

"The Executive Council have given serious consideration to the formula and find it unacceptable, and expect the Board to abide by their previous decision, because any departure would seriously undermine the authority of the South Western Divisional Board and put the South Wales Area N.U.M. in an untenable position.

However, once the strike of the Under-officials ends we would be prepared to participate in any discussions to improve relationships in the South Western Division, which is in accordance with the Board's letter of the 19th."

This decision was made known later on 29th May to the Board, who then issued the following statement:—

"The Divisional Board today put to the South Wales Area Executive of the National Union of Mineworkers the peace formula proposed by Lord Robens in the hope that agreement could be reached to substitute that formula for their original decision.

It is regretted that the National Union of Mineworkers Executive have felt unable to accept the whole of this formula but the Board have noted the willingness of the National Union of Mineworkers to accept the second part which provided for a wide ranging and searching enquiry within 28 days over the whole field of relationships between the men and junior officials. The Executive have expressed their full agreement to take part in such an enquiry.

In the circumstances, the Divisional Board hope that N.A.C.O.D.S. will ensure that their members make an immediate return to work in accordance with the Divisional Board's previous decision so as to enable high level discussions to take place.

In this manner, a disastrous situation can be avoided, normal working can be resumed forthwith and an immediate opportunity taken by the Board and the Unions concerned to find a permanent solution to the difficulties thrown up by the dispute.

E. A. LEWIS

Divisional Secretary

29th May 1965."

22. These exchanges did not succeed in bringing about a resumption of work and an informal meeting held on 1st June between representatives of the Board and the Association also proved abortive.

23. You, Sir, met representatives of the Board and the Association on 2nd June and decided to exercise your powers under the Conciliation Act 1896 to set up an Inquiry to look into the causes and circumstances of the dispute.

24. On the evening of 2nd June the Association instructed their members to return to work as soon as possible and by the end of the following day all collieries in the South Western Division were again operating.

WRITTEN STATEMENTS

Written submissions by the Association

25. The Association submitted that the dispute was not an inter-union one; it was a dispute between the Association and the Board and had as its causes (1) a failure by the Board to honour conciliation arrangements at the pit and (2) the victimisation of Pugh. The Association gave details of some of the thirty disputes which had occurred at Deep Duffryn in the past two years.

26. It was accepted that safety precautions and standards of work in all training districts should be as near perfect as possible. Pugh had been instructed by his Overman, T. Marshall, that irrespective of production or any other considerations those high standards of safety and work had to be maintained. It was contended that the workmen resented the insistence by Pugh that these requirements should be strictly observed. Examples were quoted of cases where workmen had been disciplined for failure to observe proper safety standards.

27. At the request of the Union's Lodge officials a joint meeting took place in January of this year between the Mine Manager, the Union and the Association to discuss what was described as the attitude of T. Marshall and John Pugh towards workmen on the V.35 face. It was agreed that the Union's Lodge officials should be allowed to investigate allegations made against the two Under-officials and they were given facilities to interview every workman in the district. According to the Association only two workmen had said they had been criticised by the Under-officials and both workmen agreed that the criticism directed against them concerned matters relating to their own safety.

28. It had been agreed between the Deep Duffryn management, the Union and the Association that, in the hope of reducing the number of stoppages of work and improving relationships, disputes involving disagreements between workmen and officials would be dealt with at a tripartite meeting at the pit. It was stated that this arrangement had operated up to 21st April 1965 and examples were quoted of disputes which had been resolved under this procedure. The Association complained that, whereas all conciliation arrangements between the Board and themselves commenced with a meeting at pit level, no such meeting had taken place in the present dispute. This had been pointed out to the Board on three occasions. The arrangements for all the tripartite meetings which had been convened to deal with the present

dispute had been agreed directly between the Board and the Union; the Association had only been informed of the meetings when the arrangements had been completed.

29. The Association's Statement recounted the history of events surrounding the strike of Union members which occurred immediately after the swearing incident had taken place. It had been agreed between the Overman, two Union Committee men and the Mine Manager that Roger Jones, after he had been sent out of the pit, would be allowed to work on the surface for the rest of the day and that his case would be discussed at the end of the shift. As the two Union Committee men and the Overman and Deputy were walking to their district they met the Union's Lodge Secretary and a number of workmen coming out of the pit. One of the Committee men said that the dispute had been settled but the Lodge Secretary replied that a bigger issue was involved and that the men were not prepared to work under Pugh. At the pit bottom the Union Lodge Secretary telephoned to some unidentified person in the district; this person was told that the strike was on and instructed to come out. Ultimately the whole pit was on strike.

30. On Sunday afternoon, 25th April, the Industrial Relations Officer No. 4 Area telephoned the Association's District Secretary and informed him that a meeting had been arranged to take place on Monday 26th April at 10 a.m. between the Board, the Union and the Association. The District Secretary objected to the procedure which had been adopted in arranging the meeting. The Industrial Relations Officer apologised and explained that the arrangements had been made by his assistant while he (the Industrial Relations Officer) had been absent on leave. The District Secretary later telephoned the Industrial Relations Officer to inform him that after consultation with his Lodge Secretary, he could not agree to attend the proposed meeting. Union members resumed work on Monday 26th April to enable the meeting to take place but when it was observed that Pugh was in work a further withdrawal of labour took place. From this the Association inferred that a condition of resumption of work on 26th April was that Pugh should be removed.

31. At the meeting which took place on Wednesday 28th April between the Board, the Union and the Association the Board appealed for a return to normality and for the "hatchet to be buried". The Association were agreeable to this and they also stressed that they had no objection to the dispute being made the subject of a thorough investigation. Although the pit worked normally the following day it was, to quote the Association, "bandied about and written upon the trams 'John Pugh must go, we have been promised'".

32. At 10 p.m. on Sunday 9th May the Mine Manager telephoned the Association's Lodge Secretary to ask if he (the Lodge Secretary) and the Lodge Chairman would go to the pit immediately since the Manager had received information that the Association's members would be on strike the following morning. The Union's Lodge Chairman, Vice-Chairman and Secretary had called at the pit that night and told the Manager that they had come to offer their services as competent workmen to man the pit.

They said they were aware that the Association's members would be on strike the following day as they had been told from the platform at a meeting which had taken place that night that Pugh would be moved the next day.

33. On Tuesday 11th May the Association met the Divisional Board and put before them their views about the conditions under which their members had been working at Deep Duffryn Colliery for the last two years.

34. On Thursday 13th May the Association's Divisional President was informed that the Board's decision was that work would continue normally at the pit and that an enquiry would be held. The Association was told that the Union had rejected this decision, and a Union notice appeared on the pit-head notice board the following day convening a meeting of all Secretaries and Chairmen of every Lodge in the No. 4 Area. The purpose of the meeting was to decide policy following the change in the Board's attitude in the case of Pugh.

35. On Monday 17th May at 2.30 p.m. the Secretary of the Divisional Board telephoned Mr. White, who was on business in London, informing him that an enquiry would take place in Cardiff at 9 a.m. the following day. Mr. White replied that it was impossible to attend at such short notice because of his national commitments the following day. On the afternoon of the 17th Mr. White decided to return to South Wales when he heard about the Cambrian Colliery explosion. It was then suggested that, since he was coming back to the locality, he would be in a position to attend the enquiry. It was obvious to Association officials that their presence would be required at Cambrian Colliery for several days and the Board were informed that the Association could not attend the enquiry on 18th May. The Board and the Union, however, were not prepared to postpone the enquiry. Pugh refused to attend without representation and presented himself for his normal work at the colliery. He was informed that instructions had been given that he was not to be allowed to work in the pit that day and he was sent home. The same day Mr. White was told by Mr. J. G. Tait that the enquiry would now take place at 9 a.m. on Wednesday 19th May. Mr. White said that Association representatives would be unable to be present because of the amount of work which remained to be done at Cambrian Colliery. At 7.30 p.m. the same evening Mr. White received a letter from the Secretary of the Divisional Board confirming that the enquiry would take place the following morning and informing him that instructions had been issued to the Overman and Deputy to attend. The letter went on to express the hope that Mr. White would reconsider his decision. In the light of this letter Mr. White decided to attend the enquiry rather than leave his members without representation.

36. The Association described the enquiry as a farce, since the only part of the dispute which was allowed to be discussed was the actual swearing scene at the lamp station. All the enquiry revealed was that there had been a swearing match between an official and a workman, which neither had denied from the very start of the dispute. Swearing was not an uncommon occurrence in the mining industry and if either party was aggrieved on any occasion the incident was usually resolved with an apology and a handshake. This had always been so in all such previous incidents and if workmen and

officials were now going to be moved for swearing at each other there would be chaos in the pits.

37. On the evening of 19th May the Secretary of the Divisional Board informed the Association's Divisional President of the Board's decision, which was to take effect immediately. The local Lodge were being informed direct by the Board and Mr. White felt it necessary to warn the Board that in his view this method of direct communication with local representatives would result in strike action by the Association's members at three pits. He asked that no blackleg labour be used in the three pits that night in order to give him an opportunity of securing a resumption of work the following morning. An assurance was given that no Union labour would be used, but this assurance was not honoured and by the night of Friday 21st May members at all the pits in the Association's District, which covers two Board Areas, were on strike.

38. A special meeting of the Association's South Wales Executive Council took place on Saturday 22nd May. The Executive Council were unable to understand—

- (1) why the Board had failed to carry out the agreed conciliation procedure ;
- (2) why the decision had been taken to move the Deputy and workman to separate districts when they had both worked amicably together for a month after the swearing incident ;
- (3) why there had been no investigation into the background leading up to the dispute.

It was agreed to make a last effort to persuade the Board to operate the conciliation arrangements, and a request was made that district V.35 should be put in dispute whilst the conciliation procedure was carried out. If the Board should fail to honour their obligations then a coalfield strike would be called.

39. On Monday 24th May at 10.30 a.m. Mr. White put the proposition to Mr. A. H. Kellett, the Board's Divisional Chairman, who notified his rejection of it at 3.30 p.m. that afternoon.

Written submissions by the Union

40. In the introduction to their Statement the Union gave their version of what had transpired between the Deputy and the workman on the morning of Wednesday 21st April. Following the exchanges which took place between the two men the workman, Roger Jones, left the district unescorted. T. Thomas, Union representative on the coal face, told the Overman, T. Marshall that he had witnessed the incident ; he described the action of Pugh as extremely aggressive and said Pugh had been responsible for the whole affair. Twenty other workmen and boys had also witnessed the incident and all were agreed that the Union's version of what had transpired was correct in every detail. The workmen, who were employed as supervisors of the trainees, informed the Union's Lodge Chairman and Secretary that they could not in future work under Pugh and that they were leaving the pit with their trainees and would not return until Pugh had been disciplined. T. Marshall

indicated in quite specific terms to the Union Lodge Chairman that this, in his view, was a trial of strength between the Union and the Association within the pit. This remark so incensed the Lodge Chairman and Secretary that they withdrew all Union labour from the pit. A general meeting of the workmen was held on the same day and a Lodge Committee recommendation that they should remain out on strike until disciplinary action had been taken against Pugh was accepted by the men.

41. On Friday 23rd April the Miners' Agent arranged with the Acting Area Industrial Relations Officer for a meeting to take place on Monday 26th April at which Jones and Pugh would be present. In consequence of this the Lodge agreed to resume normal working on 26th April. The Association's local representatives made it known that, since they had not been parties to the arrangement, Pugh would not attend the meeting and would in fact be going to work in his normal district. The Union stressed that the Association and the Deputy were fully aware of the arrangements which had been made for the meeting to take place on 26th April. The meeting did not take place because of their absence and this caused the Union Lodge to withdraw labour again.

42. Fresh arrangements were made for a tripartite meeting to take place on Wednesday 28th April and normal work was resumed that day. Evidence was submitted at the meeting by both sides and a great deal of cross-examination took place. It emerged that Pugh agreed in his statement that he raised his fist to Jones but that he did not strike him. The submissions of the Association and the Union differed in that the Union maintained that Pugh had caught Jones by his coat lapel and brandished his fist in his face. The point was made by the Union at the meeting that the dispute was not one between the Association, the Union and the Board; it was an act by the Deputy and therefore the Board should carry out their responsibilities as the employers in dealing with the incident. The Union quoted a number of cases where workmen had been dismissed or suspended for indiscipline within collieries and indicated that they expected some disciplinary action to be taken against Pugh. The Board pleaded at length that both sides should reconcile their differences and start afresh, but the Union expressed the opinion that it was for the Board to take a decision in the case. The Board were not prepared to come to a decision at the meeting but indicated that they would make their decision known not later than Friday 30th April. In the event the Board were not prepared to take a decision at Area level and suggested that the matter be discussed at Divisional level.

43. A deputation from Deep Duffryn Lodge met the Union's Executive Council on Tuesday 4th May, when the Executive Council decided to ask the Central Officials to take whatever measures they deemed necessary to endeavour to finalise the dispute to the satisfaction of the Lodge. Repeated representations were made to the Board calling on them to make a decision in the matter but the Board were reluctant to do so. Union representatives met the Board on Monday 17th May and again strongly pressed them to come to a decision. The Board were not prepared to do so at that stage because they felt that a thorough examination of the evidence should be made so that the position could be clarified beyond doubt; this could best be done at an enquiry which should start immediately. The Union agreed with this suggestion and nominated Mr. D. Francis as their Assessor.

44. The enquiry took place on 19th May and the Board made their decision known to the Association and the Union in their letter of that date. The Union's Area Executive Council were informed of the decision on Sunday 23rd May and whilst the Council were still of the opinion that Jones should have been allowed to remain in his district they decided that, as the Union had agreed to, and participated in the enquiry, they would accept the Board's decision. The Association did not accept the decision and immediately withdrew their labour. Despite the fact that some of the Union's members accepted supervisory duties about three-quarters of the pits in the Division became completely idle and there was only part production at other pits.

45. Lord Robens then intervened with his formula ; the Union's Executive Council found this unacceptable and said they expected the Board to abide by their previous decision. The Union indicated their willingness to participate in any discussions to improve relationships in the South Western Division.

Written submissions by the Board

46. Much of the Board's written statement, particularly in so far as it relates to the unfolding of events, forms the basis of those sections of the Report which deals with the events leading up to and during the strike and it is therefore not proposed to reproduce it here.

47. In dealing with the question of conciliation, the Board said that no formal conciliation machinery existed which covered differences of the kind now before the Inquiry. An agreement was made on 20th October 1960 between the Board and the Association setting up machinery of negotiation and conciliation for deputies to deal with questions which were concerned solely with wages and conditions of service. The relevant clause reads as follows :—

"The questions for discussion and negotiation under the scheme shall be questions connected with the remuneration and conditions of service of any person to whom this agreement applies but shall not include any question involving or relating to:—

(a) The breach by any such person of any of the provisions of the Act regulating coal mines or of regulations made thereunder . . ."

The same wording was included in the subsequent Divisional conciliation agreement made in June 1961 between the Divisional Board and the Association. The agreements did not cover cases of disciplinary action. In any case the incident which occurred on 21st April involved not only a Deputy but a member of the Union as well and there was no formal tripartite conciliation machinery. In the absence of formal machinery the Union, the Association and the Board agreed to hold a meeting as soon as the men returned to work after the first stoppage by the Union's members, and this meeting was held on 28th April. At no stage had any request for a meeting by either the Association or the Union been refused.

48. In their further comments the Board said that local attempts were made during a period of three or four weeks to settle the dispute within the No. 4 (Aberdare) Area. These failed and the matter was then brought to the Divisional Board by the Association and the Union. The Board were

pressed by the two organisations to make a decision on the incident itself and, by the Association, on the wider issues involved. The Board felt obliged to take a managerial decision on a matter of discipline. The considerations which led to the Divisional Board's decisions were carefully stated in the letter sent to the Association and the Union on 19th May. The decisions of the Board were accepted by the Union but not by the Association. The Board submitted that the decisions (a) represented a correct degree of discipline to enforce in respect of the incident itself and (b) provided for high level discussions of any wider matters involving standards of discipline and relationships which the Association or Union might wish to raise.

FURTHER STATEMENTS AT THE HEARING

49. The three organisations verbally amplified the written Statements of Case they had prepared and the following paragraphs deal with submissions which were made in relation to specific matters.

Scope of the Inquiry

50. Mr. White, for the Association, gave details of a number of disputes which had occurred at the Deep Duffryn Colliery in the past two years. These he put forward as a background against which the present dispute could be viewed. Indeed, it could be said that the present dispute had its origins in events which started two years ago, and that the strike was an outlet for pressures which had been building up during that period. Mr. Glyn Williams, the Union's Area Vice-President, submitted that the evidence relating to past disputes put forward by Mr. White was outside the scope of the Inquiry; if it were ruled that the evidence was within the limits of the Terms of Reference then the Union would ask for an adjournment to enable them to prepare counter-submissions. In the matter of representation Mr. White thought it was imperative that a representative of the British Association of Colliery Management should be present. Certain submissions would be made by the Association which would touch on the position of the colliery Manager and Mr. White felt that the Manager and his Association should attend the Inquiry.

The Swearing Incident

51. Pugh and Jones attended as witnesses and gave their evidence in private. The exchange of swear words occurred in an incident which commenced with Jones asking the Deputy if the latter had booked his (Jones's) time. The two men gave their respective versions of the exchanges which took place and the evidence of each pointed to the other as having sworn first. In reply to Mr. White, Pugh said that the Overman, T. Marshall, insisted on the observance of strict safety standards and that some of the men showed their resentment when he (Pugh) took steps to ensure that those standards were maintained. Pugh confirmed that on other occasions when he had been abused by workmen joint meetings had been arranged with the Manager, the men had apologised and normal working had been resumed. In his thirty years' service in the industry he could not recall any other instance when an official and workman had sworn at each other and had been disciplined by being removed from their normal places of work. Pugh said that swearing was common at all

levels underground. He maintained that all the trainees who had passed through his hands indulged in swearing but the Union representatives claimed that this was an exaggeration.

52. Jones said he left the pit unescorted and went home after he had had a shower. Arrangements had earlier been made for him to work on the surface for the remainder of the day but in the event these arrangements were not put into operation.

Relationships at Deep Duffryn Colliery

53. Both the Association and the Union commented on the state of industrial relations at the colliery. Mr. White claimed it was a problem pit; the fact that there had been over thirty disputes in the past two years clearly indicated that there was something wrong with industrial relations. He thought this illustrated the difficult conditions under which the Association's members carried out their duties, not only in relation to their responsibilities under the Mines and Quarries Act but also as members of management. Mr. Glyn Williams thought Mr. White was overstating the case. He regarded Deep Duffryn as a good and productive pit. Output per manshift was 35 cwt. at one time and was now 32 cwt.; he thought that a level of production of that order indicated that relationships were not as bad as Mr. White made them out to be.

54. While the Union were critical of Pugh's general attitude they were at pains to emphasise that they had a high regard for the integrity of Under-officials and for the way in which they approached their work. The relationships between the Association and the Union had improved considerably since the industry had been nationalised. Mr. Emlyn Williams, Miners' Agent, described the relationship between Under-officials and workmen in his area as excellent.

55. Mr. Glyn Williams said that in the present dispute the whole incident had been magnified. The Association had taken a certain line of action and were now in the position of having to justify it for reasons other than the dispute itself.

Conciliation Arrangements

56. Mr. Tait said that he could not understand the Association's statement that the Board had failed to honour conciliation arrangements at the pit. At the request of the Association an agreement was concluded in 1960 between the Board and the Association setting up conciliation machinery at national level. The national agreement contained a model divisional conciliation agreement making provision, among other things, for matters in dispute to be discussed at the pit. Subsequently the South Western Division of the Board and the Association entered into a divisional conciliation agreement which followed the lines of the model agreement. The application of both national and divisional agreements was restricted to matters concerning remuneration and conditions of service. The present dispute did not fall within those definitions. Moreover, two unions were involved and there was no form of conciliation agreement which covered a situation of that kind. The Association had referred to special arrangements which they claimed had been agreed between higher management, the Union and themselves, and it was true that a local arrangement did exist. In a number of instances

questions of discipline had been discussed at the pit between representatives of the Board, the Association and the Union and satisfactory solutions reached. On this occasion, however, a strike had intervened almost immediately, and it was agreed by all parties that once normal working had been resumed a meeting would be held at the Area offices, away from the atmosphere which had been generated at the pit. This meeting was attended by pit representatives of all three organisations. Mr. Tait said that the Board reaffirmed that they had not on any occasion prior to 20th May refused to arrange a meeting when asked.

57. The Association contended that the meeting which had been held at the Area Offices could not be properly called a pit meeting. It was attended by Area as well as pit representatives and could be more accurately described as an Area meeting. Mr. White drew the Board's attention to a letter which had been sent on 16th September 1960 by the then Director-General of Industrial Relations at Board Headquarters to the Association's National Secretary. An extract from this letter is reproduced in Appendix 3 and Mr. White quoted that part of the letter which read as follows:—

“ . . . But while these matters would not be referable to the Conciliation Scheme as such, we would, of course, be prepared to make full provision for the Association to be able to ventilate at the appropriate level any disagreement they might have with the action taken by Management . . . ”

Mr. White contended that the spirit of that letter entitled them to a pit meeting in the present dispute. Mr. Milligan, Director-General of Industrial Relations, said that since no termination of contract of service was involved in the present dispute the extract quoted by Mr. White could not be regarded as relevant.

58. Mr. White disagreed with this view. He said that the Association had found from experience that the formal conciliation agreement for Deputies did not cover disputes such as the one now before the Inquiry. This was pointed out to the Board and the letter of 16th September 1960 was sent by the then Director-General of Industrial Relations to the Association's National Secretary clarifying the position. The letter was considered by the Association's National Executive Committee who were satisfied that it made provision for any eventuality to be discussed between the Board and the Association. Two years later certain difficulties occurred over a dispute similar to the present one and the Association asked the Board if they would draw the attention of Divisional Industrial Relations Directors to the policy laid down in the letter of 16th September 1960. The then Board Member for Industrial Relations replied to the Association in a letter dated 15th November 1962, reproduced in Appendix 4. Mr. White read the following extract:—

“ . . . As Mr. Wood said in his letter to you of 16th September 1960, the National Agreement defined questions to be dealt with under the Scheme so as not to include termination of contracts of service. Mr. Wood went on to say, however, that while these matters would not be referable to the Conciliation Scheme as such, we would, of course, be prepared to make full provision for the Association to be able to ventilate at the appropriate level any disagreement they might have with the action taken by Management in terminating the

contract of service of a Deputy. In other words, we have no objection to informal discussions between the Board and the Association on questions of termination of contract, but we do not consider that any such question can be pursued through the formal conciliation procedure . . ."

Mr. White maintained that the purpose behind the issue of this second letter was to confirm the arrangements set out in the letter of 16th September 1960 and to instruct Divisional Industrial Relations Directors to operate them.

59. Mr. Tait said he agreed with Mr. White that the formal divisional conciliation agreement was not appropriate to deal with the present dispute. As far as the letters of 16th September 1960 and 15th November 1962 were concerned, his view was that these related only to matters concerning termination of the contract of service, and no such termination was involved in the present dispute. Having said this Mr. Tait then emphasised that the Association must have the right, and indeed did have the right, to raise any matters which might involve disciplinary action.

60. Mr. White contended that any conciliation arrangement in the industry must start at the pit. In all previous disputes of a similar character the tripartite agreement between higher management, the Association and the Union had been brought into operation and joint meetings had taken place at pit level. The agreement had not been operated in Pugh's case, and it had been pointed out to the Board on a number of occasions that no pit meeting had taken place. At the meeting held on 28th April at the Area offices the Association's representative had agreed to the Board deferring its decision on condition that the Board made a thorough investigation into all aspects of the case. Mr. White maintained that an investigation could only take place at the pit and this is what the Association's representative had in mind when he agreed to the deferment. Mr. White himself had asked the Board for a pit meeting on three separate occasions (1) at the conclusion of the enquiry held on 19th May by Mr. Watcyn Williams, (2) at the meeting with the Divisional Chairman on 24th May, and (3) at the meeting on 1st June with Mr. Webber, National Board Member for Industrial Relations and Mr. Milligan.

61. Mr. Tait doubted whether the action of the Association's representative in agreeing to a deferment at the meeting held on 28th April could be regarded as an application for the matter to be referred back to pit level. He agreed that Mr. White had asked for reference back to the pit after Mr. Watcyn Williams' enquiry. Mr. Tait said it had been the desire of everyone to settle the issue locally; the pit was the right place to resolve the matter had this been practicable. In this case it was not practicable; a meeting had been held at the Area offices, no conclusion had been reached and it was contemplated that it would be necessary to refer the matter to a higher (divisional) level, a course of action to which no one raised objection. The Board at that time were in the position where they were being pressed by both the Association and the Union to make a decision. In their view it was not practicable or proper for them, by referring the matter back to pit level, to decline to make a decision. It would have been a different matter had the two organisations absolved the Board from the need to make

a decision and requested that they be allowed to take the matter back to pit level, but both organisations at that point in time looked to the Board, quite properly, to make a decision and the Board felt obliged to do so. The position was, of course, quite different when Mr. White met Mr. Kellet on 24th May and Mr. Webber and Mr. Milligan on 1st June. The Divisional Board had by then arrived at their decision, and had announced it on 19th May. The suggestion by Mr. White that the matter should be referred back to pit level was, in effect, a rejection of the Board's decision. Had the Association accepted the Board's decision, under protest if necessary, the matter could have gone to a higher level but the Board were not in a position at that stage to accept the suggested reference back to pit level.

62. Mr. White complained that, whenever a tripartite meeting was being convened, the Association were not consulted to see whether the proposed arrangements were convenient. The arrangements were usually agreed between the Board and the Union, and the Association then informed that the meeting had been fixed. Mr. Tait said that there was no intention on the part of the Board to embarrass the Association either in the method of arranging meetings or in their timing; when a meeting had to be convened the first approach had to be made to one or other party and it so happened that on a number of occasions the Union were the first to be approached. The Board's representatives had made themselves available at all times and at every level of the organisation from pit to national Chairman for discussion of the situation.

Victimisation of Deputy John Pugh

63. The Association enlarged upon their submission that Pugh had been victimised. Mr. White maintained that the reason for the strike by the Union's members was not the swearing incident; such incidents were common in the mining industry and were generally settled with an apology and a handshake. This was the first occasion, to his knowledge, on which it was proposed to punish someone for swearing. Under-officials were involved with workmen in most of the disputes which took place in the South Wales coalfield last year. All those disputes were treated as differences between management and workmen and the present dispute should have been regarded in the same way, with the Association and the Union dealing with the Board separately under their respective conciliation arrangements. If the Board were not prepared to accept that these disputes were in fact disputes between the Board and the Union, and not between the Association and the Union, then Under-officials would find themselves in an impossible position. No Under-official would give an instruction if he knew that he might not get the support of management. If the dispute were to be used as an excuse to remove Pugh, other officials in the pits in the Division would hesitate to give an instruction which might prove to be unpopular with the workmen and possibly result in their removal.

64. Mr. White was concerned about a possible reflection upon his integrity and that of the Association in references made to certain exchanges on 9th May between the Mine Manager and Lodge officials of the Union. These related to the moving of Pugh. In response to Mr. White's request

Mr. Tait read the following extract from a narrative of events which had been prepared by the Area Board:

"Sunday, 9th May 1965. On Sunday night the Colliery Undermanager telephoned the Colliery Manager informing him that three N.U.M. Lodge Officials were at the colliery gates and that they were expecting trouble with N.A.C.O.D.S. The Manager spoke to the Lodge Secretary, J. Wills, on the telephone and he (Wills) told him that the N.U.M. Officials were prepared to act as competent workmen. The Manager went to the colliery and told Wills that he did not expect trouble to develop from members of N.A.C.O.D.S. Wills asked the Manager if he intended carrying out the Divisional instruction and move J. Pugh from the V.35 district on the following morning. The Manager told Wills that he had received no such instruction. Wills looked astounded and informed the Manager that he and his colleagues had been advised of this policy at their meeting (from the actual platform). Wills then told the Manager that if J. Pugh was not removed from the district the next morning there would be no further work. The Manager then telephoned the Area Industrial Relations Officer, who appeared to have clarified the position with the Miners' Agent, and he (Area Industrial Relations Officer) telephoned to the Manager later to confirm that there would be normal working the following day."

65. Mr. Tait said the Board did not regard their decision as in any way victimising Pugh. The enquiry held on 19th May enabled everyone concerned in the incident to give his version of what occurred and to have his union representative present. The Board reached the decision which was conveyed in their letter of 19th May in the light of the facts which emerged at the enquiry. No one had been downgraded or was financially worse off in consequence of the decision and the Board regarded their decision as appropriate to the circumstances.

66. Mr. Ben Morris, the Union's Chief Administrative Officer for the South Wales Area, referring to the submissions made by Mr. White that swearing incidents had usually been settled by an apology and a handshake said he was aware of three cases of workmen who had been dismissed in recent years for using abusive language to Under-officials.

Union strike pre-arranged

67. Mr. White contended that the strike by Union members on 21st April was pre-arranged. The Lodge Chairman informed someone in the pit by telephone that the strike was on and instructed the men to come out. This led the Association to conclude that the men intended to strike and that they had found the excuse to do so.

Board influenced by threat of strike action

68. Mr. White was critical of the Board in allowing themselves to be influenced by the threat of strike action by the Union's members if Pugh was not removed. The Board had shown that they were prepared to bend to the threats of one organisation; Mr. White thought they should realise that because his organisation was small it was not necessarily weak and that the loyalty and co-operation of its members could not be exploited.

Failure of Association to attend meeting on 26th April

69. Mr. Emlyn Williams criticised the Association for their failure to send representatives to the meeting which had been arranged to take place on 26th April. He thought the Association had misguidedly stood on their dignity and he believed that had a meeting taken place that day as arranged the present Inquiry would not have been necessary.

The Board's enquiry on 19th May

70. Mr. White described the enquiry as a farce and made the following criticisms:—

- (i) the enquiry was arranged simply to save the face of the Board:
- (ii) it was used as a means whereby the demands of the workmen could be met in order to avoid a coalfield strike:
- (iii) the terms of reference had been agreed between the Board and the Union and only the actual swearing incident was discussed:
- (iv) the Board and the Union had agreed in advance what should be the outcome of the enquiry:
- (v) no minutes of the proceedings were kept.

Mr. Tait said that it was a Board decision to set up the enquiry; it was not reached in agreement with the Union or any other organisation. The facts available to the Board as to what had occurred in the swearing incident were conflicting and the purpose in setting up the enquiry was to endeavour to establish precisely what had happened. It was the intention of the Board to reach and announce their decision on the day of the enquiry and this was done only after they had received Mr. Watcyn Williams's report. Mr. Tait confirmed that as far as the Board were concerned no minutes of the proceedings were prepared although individual notes were taken. The Board did not share Mr. White's view that the enquiry was a farce. Mr. Francis maintained that agreement on the terms of reference had been reached between the three organisations before the proceedings commenced and the terms of reference had confined the scope of the enquiry to the swearing incident itself. Mr. Glyn Williams recalled that Mr. White had participated in the enquiry as an assessor and Mr. White had not indicated at the time that he wanted the scope of the enquiry widened.

Closure of V.35 district during enquiry on 19th May

71. Mr. Emlyn Williams said that the V.35 district had been closed because of action by the Deputies which amounted to blackmail. The Association's representatives at the pit had informed the colliery Manager that they were prepared to attend the enquiry on 19th May only if the V.35 district was closed and the Union members employed there dispersed throughout the pit. If this were not done they would call on the Lodge to take industrial action. The Area Manager agreed to the demand and the district was closed while the enquiry was held.

Employment of Union labour

72. Mr. White said that, after the Board had announced their decision on 19th May, he had stressed that if the strike was to be contained no

blackleg labour should be used in the Deep Duffryn, Abergorki and Pen-rikyber collieries. He claimed that the Secretary of the Divisional Board had assured him that no Union labour would be used in those pits on the night of 19th May. This assurance had not been honoured and the strike had consequently spread. Mr. Tait read the following statement from the Secretary of the Divisional Board :—

"I have no recollection of any discussion regarding substitute labour to be used although it was clearly in everyone's interests that production and safety standards should be maintained at the colliery. Neither was I in a position to give any assurance regarding the operation of the colliery on successive shifts."

Mr. Tait went on to say that in the Board's view they had a duty to ensure the safety of the pits and to maintain production to the maximum possible extent in the national interest. This the Board did using other qualified personnel.

The Union's criticism of the Association's action in relation to safety

73. Mr. Emlyn Williams said that when Union members were involved in strike action they rigidly observed a rule that no man engaged on any safety operations within the pit should be withdrawn. He criticised the Association for having removed safety men during the strike ; this was an action which could have had the most serious consequences.

Strike of Union Members

74. In reply to my question, Mr. Morris said that the withdrawal of labour by the Union's members was unofficial. The advice given to the men was that they should return to normal working to allow the dispute to be dealt with under the conciliation procedure and this advice was ultimately accepted. Mr. Emlyn Williams had earlier referred to the Lodge Committee's recommendation to the men on 21st April that they should remain on strike. He made the point that this was the first occasion on which the Lodge Committee had made such a recommendation ; previous unofficial stoppages had never received the support of the Union's officials at the colliery.

Refusal by the Union to "bury the hatchet"

75. Recalling that a suggestion had been made by the Board at the joint meeting held on 28th April that the whole matter should be dropped, I asked the Union why they had felt unable to agree to this and if there was any constitutional difficulty in the way of their doing so. Mr. Emlyn Williams replied that in his view the position taken up by the Area Production Manager at the meeting suggested that the latter was predetermining the issue in favour of the Deputy. He felt too that certain representatives of the Association who were present at the meeting were deliberately fanning the flames. Mr. Morris said that there was no constitutional difficulty in the way of the Union accepting the suggestion that the whole matter be dropped had it been an acceptable one ; it was not acceptable in the circumstances. Earlier in the Inquiry Mr. Emlyn Williams said that they

had been unable to agree to the suggestion since they felt it was essential, having regard to Pugh's general approach, that the Board should carry out disciplinary action, to avoid any possible repetition of the incident.

Strike of Association Members

76. Mr. White was asked by me for his views about the status of the strike of the Association's members and to comment on the resolution adopted on 26th May by the National Executive Committee, of which he was a member. Mr. White was also asked to explain what was meant by Rule 20 as it appeared in the resolution which read: "This Committee reaches a unanimous conclusion that the South Wales Area have breached the national rules, namely, Rule 20." In reply Mr. White said that the strike of Association members was unofficial. Rule 20 of the national rules stated that no Area could take strike action unless it was approved by a two-thirds majority of the National Executive Committee. Mr. White made the point that most sets of rules were broken at some time or another because exceptional circumstances arose which justified such action. In this particular instance the Board, despite the pleadings of the Association, had failed to carry out the conciliation arrangements. I observed that although the Association's National Executive Committee had asked the Under-officials in South Wales to return to work the Area Executive Council decided on 30th May to continue the strike. Mr. White said the Association had accepted the formula which had been put forward by Lord Robens on 28th May and from which they drew the conclusion that the National Chairman realised that the Divisional Board had made a wrong decision. The Union had rejected the formula and the Association waited throughout the whole of Saturday 29th May to see if the Board would nevertheless decide to apply it. No decision was forthcoming that day and an emergency coalfield conference was called for Sunday 30th May to await the Board's decision. Late that day the Board made it known that because the formula was not acceptable to the Union it had to be rejected. The position was therefore unchanged and the South Wales Area decided to continue their strike. Mr. White pointed out that the last of the National Executive Committee's resolutions promised the full support of the Committee if the Board were not prepared to use the appropriate conciliation procedure to deal with the matter. By this was implied not a national strike but financial support for the South Wales Area.

Union reaction to the Robens formula

77. The resolution which had been passed by the Union's South Wales Executive Council read: "The Executive Council have given serious consideration to the formula and find it unacceptable, and expect the Board to abide by their previous decision, because any departure would seriously undermine the authority of the South Western Divisional Board and put the South Wales Area N.U.M. in an untenable position." In reply to my question as to what was meant by "an untenable position", Mr. Francis said that they had accepted a decision which had been given by the Board after the dispute had been the subject of an enquiry. The decision had been accepted by the Executive Council and it was felt the Union could not go back on the decision of the Board, the more so since the Association's members were

on strike whereas Union members had obeyed an instruction to return to work. Mr. Morris said that the Union's full-time officials found it necessary to point out time and time again to workmen taking unofficial action that no negotiations could take place until there was a resumption of work. If the Board were to reverse their decision whilst the Under-officials were on unofficial strike, the authority of the Union's officers in any future unofficial action by the workmen would be weakened. Any attempt to point out that negotiations could not take place until work had been resumed could be met by a charge that the Board had not insisted on this condition being fulfilled on the occasion of the strike of the Under-officials.

Safety in the pits

78. Replying to my question as to what view was taken by the Association about maintaining safety measures during the strike, Mr. White said that when the strike was called all Lodge officials were instructed to allow safety points to be manned. When it was reported that the Board were employing blackleg labour in the pits to supervise production it was decided to withdraw safety-men so that the Board would be compelled to take the officials off production work and put them on safety work. Instructions were issued that the safety-men were not to be withdrawn until the Mine Manager had been informed and given ample time to relieve the safety-men.

Position of Deputies as part of management

79. Mr. White thought there was a tendency on the part of the Board to treat disputes similar to the present one as inter-union disputes. He criticised this and submitted that the Board could not regard the Under-officials as part of management one day and, when it suited their convenience, as the subjects of inter-union disputes the next day. If the Board were going to treat these disputes as inter-union disputes and allow the Union to dictate what should be the punishment of officials the Association's members would find themselves in an invidious position. In reply to my question Mr. Tait said that the Deputies were regarded as part of the management team; indeed in many of the cases which Mr. White had referred to earlier and which involved Deputies the Under-official had been dealt with as a member of management. In the present dispute both the Association and the Union became involved and an unofficial strike took place. It seemed appropriate at that time that a meeting of representatives of the three organisations should take place; this was exceptional but it seemed the right action to take in the circumstances.

SUMMING UP STATEMENTS

Statement by the Board

80. Mr. Tait said he did not propose to touch on the conciliation arrangements since these had already been adequately covered. He wished to reaffirm that the Association would always be given facilities to make representations on behalf of their members if the Board felt that they had to take disciplinary action. It would, of course, still remain management's responsibility to make the decision. As far as the future was concerned the Board would be glad to meet the Association to see what improvements could be

introduced to deal with incidents of this nature. There had been references to the Board's alleged failure to support Under-officials in carrying out Board instructions and Mr. Tait said he was anxious to make the Board's position clear in this respect. They reaffirmed that they had not failed to support Under-officials who were carrying out the instructions of higher management. The Board appreciated that the task of supervision was not an easy one and called for the exercise of high qualities of leadership and considerable patience. This, however, could not preclude them from taking disciplinary action where it was appropriate and just. Mr. Tait said he wished to submit formally on behalf of the Board that the decisions they took on 19th May represented a correct degree of discipline to enforce in respect of the incident itself and provided for high level discussions on any wider matters involving standards of discipline and relationships which either the Association or the Union might wish to raise.

Statement by the Union

81. Mr. Francis said that they had been happy to co-operate in the Inquiry even though Mr. White had maintained that the Union was not directly involved. He thought it would now be obvious that the Union had been very much involved in the dispute. For their part they accepted the procedure which had been laid down for dealing with disputes of this nature. In the present dispute there had been a failure to resolve the problem at Area level and the matter was referred to the Board's Divisional Headquarters. Mr. Francis thought that it was at this level that the first attempt to resolve the matter was made, following the enquiry held on 19th May. The Union had never sought the dismissal of the Deputy but simply his removal from the V.35 district. Mr. Francis referred to the offer made by the Board following the enquiry on 19th May that, if the Union and the Association considered that standards of discipline and relationships at the colliery required to be improved by discussion at higher than colliery level the Divisional Board would assist in achieving this end. This offer, he thought, gave the Union and the Association sufficient scope to deal with any problem which might arise in the future. Mr. Francis said he agreed with Mr. White's view that the Association's members should be part of management. If this relationship was observed there would then be no doubt as to which conciliation arrangements ought to apply in disputes of this nature. Mr. Francis emphasised that the Union were not desirous of having a repetition of an incident of this kind and the consequential effect it had on the South Wales coalfield and the Union's members.

Statement by the Association

82. Mr. White contended that the Association had succeeded in proving their submissions to the Inquiry, viz. (1) that this was not an inter-union dispute, (2) that the Board had failed to honour conciliation arrangements at the pit, and (3) that Pugh had been victimised. Mr. White produced detailed argument in support of this contention. He referred to the fact that the Association's members had been involved in only two stoppages of work last year. The Association's connection with the South Wales coalfield went back to 1887, and the recent strike was the first coalfield strike in the Association's history; that the members had felt compelled to take such action clearly indicated the extreme provocation to which they had been

subjected. Mr. White said he had asked that the minutes of the enquiry which took place on 19th May should be produced and he could only express his astonishment that the Board had not felt it necessary to keep minutes of such an important enquiry. He reiterated his contention that the normal method of settling disputes of this kind was by an apology and a handshake; Pugh was the only Under-official who had had disciplinary action taken against him. In the light of all the circumstances the Association maintained that Pugh should be reinstated in the V.35 district.

ASSESSMENT

The Scope of the Inquiry

83. In conducting this Inquiry I have borne in mind the precise terms of my Minute of Appointment: "to inquire into the causes and circumstances of the difference which led to the recent stoppage in the South Wales Coal-field." These terms do not involve a full scale inquiry into all the surrounding circumstances and I have taken the view that the proceedings should be directed in a reasonably concentrated way upon the stoppage itself.

84. The Association noted the presence of the Union at the Inquiry. This was at the invitation of the Ministry of Labour which was readily accepted by the Union. The formal parties to the difference were, of course, the Association and the Board but the Union undoubtedly had an interest in the Inquiry and their presence was of assistance to me.

85. The Association were greatly concerned in their representations, both to the Board and to me, to emphasise the relevance of the background of industrial relations at the pit. They also had in mind certain particular aspects of the events at the pit on the day of the swearing incident and subsequently, and expressed the view that the Manager should be asked to attend the Inquiry and be represented by the British Association of Colliery Management. At other points, the Association referred to the parts played by the Board's Divisional Secretary and the Industrial Relations Officer. Counter-presentations were made by the Union and the Board about various circumstances. It was my duty therefore to consider the extent to which it was necessary to track backwards in search of more evidence. My concern was to find what was relevant to a dispute which resulted in putting more than 30,000 men out of work and losing more than 400,000 tons of coal output. Some of the details I was asked to pursue diminish markedly in significance when put into that perspective. Nevertheless, I thought it right, in the early stages of the hearing, to allow a wide-ranging presentation and discussion. Eventually, I invited concentrated attention upon the form in which the Association had crystallised their complaint, that is, conciliation procedure and victimisation.

86. I accepted that there were continuing differences of recollection and beyond a certain point there was no useful purpose to be served in pursuing details. I therefore announced at the hearing my view that it was not practicable to examine in any more detail the incidents over the past year or so referred to by the Association. I did not think it necessary to invite the Union to provide any more evidence nor did I see any need to ask for representation from the British Association of Colliery Management. The

positions of the Union and the Association (N.A.C.O.D.S.) had been made clear and it was then for me to make my assessment on the basis of the submissions which had been made both in writing and verbally.

The Swearing incident

87. Granted that, as was observed during the hearing, mining is a tough industry, and that swearing was said to be commonplace, it was an unusual experience to have it presented somewhat casually and indeed used as an argument to defend an official bearing responsibility for training young men. Those who accept these standards might reflect upon the effect this has upon the reputation of the industry and those working in it particularly from the point of view of recruitment and wastage. They should join with those who do not concede that swearing is universal and encourage the improvement of standards. The Board were right to deplore this aspect and in so doing they must command public support.

88. The proceedings of this Inquiry revealed discrepancies in the evidence concerning the swearing incident. It seems to me sufficient to note that it involved an official and a young man, that both swore and adopted an aggressive attitude. It would be unreasonable to expect a complete unravelling of the tangled details; indeed it is not necessary, because the significance of this dispute goes far beyond the mere exchange of swear words.

Two Strikes and their Causes as Presented by the Organisations

The Union

89. Following the incident, the workmen who were supervisors of trainees left the pit saying that they would not return until Pugh had been disciplined by the Board. The Lodge Chairman and Secretary became so incensed by on Overman's reference to a trial of strength between the Union and the Association that they withdrew all labour from the colliery. The workmen, at a general meeting, then accepted the Lodge Committee's recommendation to remain out until Pugh was disciplined. This was a unique occasion because the Lodge Committee had never before recommended or supported any form of strike action at this pit.

The Association

90. A Deputy was being victimised. The Board's enquiry was a farce because it was confined to the swearing scene. After the enquiry, the Board's direct communication of their decision to the local Lodge caused a strike in three pits; the Board had been warned that this would happen. The use of blackleg labour then brought out the whole District on strike.

91. The Association's South Wales Executive Council complained that the Board had failed to carry out agreed conciliation procedure, had decided to separate Pugh and Jones despite their working amicably together for a month after the incident, and had made no investigation into the background of the dispute. A coalfield strike was called because the Board failed to honour their obligations to put district V.35 into dispute whilst the conciliation procedure was carried out.

The Denial of an Inter-Union Dispute

Some views of the Union presented by the Association

92. The colliery strike had been pre-arranged by Union men. Meetings were arranged between the Board and the Union without consultation with the Association. A promise was made to the union that Pugh would be moved and the Board's enquiry was framed to give the workmen their way; there was collusion between the Board and the Union about the terms of reference of the enquiry and the decision reached. It was not for the Union to dictate the punishment of officials but the Board were in fact bending to the threats of the Union. The use of Union labour had led to the spreading of the strike of Deputies.

Some views of the Association presented by the Union

93. The Association stood on their dignity and refused to attend the pit meeting on April 26th. The Association blackmailed the Board prior to their inquiry by insisting on the closing of district V.35. After the strike of Deputies had begun, they withdrew Association members who were responsible for essential safety duties. The Union believed that the Association had found themselves forced to justify the strike by looking for something other than the dispute itself.

94. Notwithstanding these exchanges, it is proper to note the statement of the Union that relationships between them and the Association had improved very much since nationalisation. Moreover, the Union stressed that their estimation of Pugh in no way represented their view of officials in general, whose dignity and prestige had always been high in South Wales.

Inter-union relationships as they appeared to the Board

95. The incident was between a member of the Association and a member of the Union and as a result, the Board were faced with two successive strikes. At various stages, the Board received conflicting representations from the two organisations, both of whom were pressing for a decision.

96. It is unrealistic to expect the Board to deal with disputes without regard to the existence of two unions who, quite properly, are looking after the interests of their members. The Board are concerned with the implementation of management policy in a context which includes the two unions. The exchanges between the Association and the Union revealed during the Inquiry may be allowed to speak for themselves; they are not of the most cordial character. The differences between them may not formally constitute to themselves an inter-union dispute and there is no real necessity to give a precise definition. Certainly the form in which the dispute was ultimately precipitated represents a difference between the Association and the Board. The Board did not in fact say during the Inquiry that it was an inter-union dispute but, as they responded to the representations and actions of the Association and the Union, they might be forgiven if, from time to time, they were to reflect that it looked remarkably like one.

The part played by the Board

97. The Board were dealing, over a period of six weeks, with a dispute involving the members of two unions. The incident itself caused an immediate unofficial pit strike by members of the Union. The reaction

of the Association was not flexible; there was a refusal to attend the meeting on April 26th and an insistence that the background of industrial relations at the pit be taken into account.

98. Faced with pressure from both sides for a decision, with no agreement about the facts of the incident, the Board's response was to attempt reconciliation, taking discussions away from the atmosphere of the pit and trying to prevent the dispute being pressed by the two unions, who had directly opposing views of the decision required. Eventually, after their own enquiry, with the evidence still contested, the Board took a decision which was accepted by the Union but not by the Association.

99. As the strike spread, higher levels of authority became involved until finally the Chairman of the Board took part in discussions with the National Executive Committee of the Association. The formula proposed by Lord Robens implied, in effect, setting aside this particular incident and its consequences so as to facilitate a return to work and to clear the way for immediate high level talks on the wider issues. The proposal was subject to acceptance by the organisations concerned in South Wales. It involved asking the Union to release the Board from the decision they had reached and which had been accepted by the Union. The Association were agreeable but the Union declined, giving reasons which are by no means discreditable. This exhausted what was effectively a continuation of the efforts made consistently by the Board to reconcile the unions on the matter of this dispute whilst providing for discussions of wider issues.

100. In my view, it is difficult to suggest any alternative actions that could have been adopted by the Board at the different stages. The Board made reasonable efforts at all times to avoid formal precipitation of the difference between the unions, to ameliorate the relations between them, to limit the strikes, to end the dispute and to provide for a wider enquiry.

The grievances of the Association

101. Throughout the period of the dispute, the Association believed that there was a resistance to the consideration of the background of the incident. They were also convinced that there was collusion between the Union and the Board over a range of matters varying from arrangements of meetings to the entire circumstances of the Board's enquiry. The use of Union labour exacerbated the feelings of the Deputies and resulted in an extension of the strike. Throughout the affair, they felt conscious of the Board's lack of support for Deputies in the duties they were discharging as members of the management team. All these anxieties crystallised into the two complaints concerning the application of the conciliation procedure and the victimisation of Pugh.

The formal complaints of the Association against the Board

(a) Failure to honour conciliation arrangements at the pit

102. The argument turned, to begin with, upon the interpretation of two letters, dated 16th September 1960 and 15th November 1962 from the Board to the Association (reproduced in Appendices 3 and 4). The crucial elements of the first letter are as follows:—

“... in paragraph 3 of the draft National Agreement we have so defined questions to be dealt with under the Scheme that they do

not include the termination of contract of service of any Deputy. This would cover also any termination of the contract of service within a man's present grade. But, while these matters would not be referable to the Conciliation Scheme as such, we would, of course, be prepared to make full provision for the Association to be able to ventilate at the appropriate level any disagreement they might have with the action taken by Management."

The second letter, in re-affirming the first, makes the following explanation:—

"... action taken by Management in terminating the contract of service of a Deputy. In other words, we have no objection to informal discussions between the Board and the Association on questions of termination of contract, but we do not consider that any such question can be pursued through the formal conciliation procedure."

In my view the relevant portions of these letters deal consistently and exclusively with the subject of termination of the contract of service and the phrase "any disagreement" is strictly limited to that subject. I conclude therefore that these documents do not support the case of the Association.

103. The argument was also related specifically to the absence of a meeting at the pit. The Association themselves recorded the circumstances in which they refused to attend a meeting at the pit on April 26th. To my mind, they showed at this juncture a lack of appreciation of the importance of a meeting arranged following a stoppage of work at the pit. This was a serious misjudgment of the gravity of the situation. Here was the opportunity for the pit meeting, the absence of which was subsequently stressed repeatedly by the Association; the refusal to attend constitutes a crucial weakness in the case of the Association against the Board.

104. As the situation deteriorated, the Board were wise to move the talks away from the atmosphere of the pit and as the dispute intensified and extended, negotiations clearly had to proceed at higher levels. Indeed, the Board would have been open to criticism if they had not so provided and it was properly to the Board's credit that so much effort was consistently devoted at the highest levels towards the solution of this intractable problem.

(b) Victimisation of Deputy John Pugh

105. The Association rightly emphasised the importance of applying high standards in training faces. They presented Pugh as an official upholding these standards. In my view, neither participant in the incident emerges with any credit and the Board properly condemned the behaviour of both. The dominant feature, to my mind, is the aggressive attitude adopted by an official said to have a high standard of conduct and carrying special responsibilities for training young people.

My conclusion is that the Board, faced with conflicting presentations made a decision which was moderate, well-balanced and fair and which does not justify the accusation of victimisation.

FINAL REFLECTIONS

106. It is apparent that, in my view, the Board acted reasonably throughout and the complaints of the Association are not well founded. It follows that I am bound to say that there was no justification for this strike, which assumed such serious proportions. It is to the credit of the National Executive Committee of the Association that they preceded their support of their

South Wales Area with a firm declaration that the Area had breached their national rules and asked their members to return to work immediately; unfortunately, they refused.

107. It would be wrong to leave the impression that the result of this Inquiry is merely the singling out of the South Wales Area of the Association for criticism. Officials carrying heavy responsibilities must have been deeply disturbed before engaging in their first strike, and that against their own national rules, in a history going back to 1887; it would do them less than justice to consider this simply in terms of a swearing incident. Certainly it is always right that the public interest should be presented firmly in such affairs and it is proper to express disapproval and to appeal constantly for discipline and self-control. But those who assume the role of public commentators should do so, not by way of angry recrimination or barren criticism but from an informed position after discharging the duty of making a serious inquiry into the circumstances and trying to understand anxieties which are nonetheless real for being exaggerated or misconceived.

108. If the Association loom large in this report, it is partly because it was they who eventually precipitated the dispute in the form which led to the Inquiry. Their presentation of case has been wide-ranging and therefore deserves a properly extensive review. It must be borne in mind, however, that theirs was not the only strike; members of the Union had stopped work at the pit and that also was an unofficial strike. The reasons offered in both cases appear to me to be inadequate justification for the action taken.

109. I have been at pains to analyse a complex situation in such a way as to illuminate the anxieties of the Association, and I invite their consideration of the following views which I offer with every sympathy for their difficulties and with the hope that I can avoid the appearance of pompous moralising. At the same time, I commend these reflections to the Union and to the Board.

110. The difficulties which have been exhibited are essentially not peculiar to any one union or any one industry. They present themselves as common problems of management and they are not capable of easy permanent solution. Certainly there is no hope of solving them in any industry unless the organisations concerned, and their members, have a united determination to do so. For this, there must be mutual sympathy and respect and a flexibility in approaching objectives which are common to all. It is for all parties so to arrange their relations that incidents between union members are not again magnified and distorted. Union officials at all levels should be on their guard, in the early stages of dealing with such incidents, to lessen the risk of their organisations being forced ultimately into formal positions of such rigidity that only the most drastic and least justifiable measures become available to them.

111. One of the basic anxieties of the Association makes its appearance in their accusing the Board of disloyalty to their Deputies. There is no real evidence of this; rather it is to the contrary. The Board repeatedly affirm their understanding of the place of the Deputies in the management team and their constant support of them in that respect. There is no reason to assume that the degree of discipline applied in this instance should lead to the

undermining of the authority of Deputies in carrying out management policy. The Union, for their part, gave assurances of their acceptance of Deputies as part of management and their appreciation of their integrity in the generality of cases.

112. There is the apprehension of collusion between the Board and the Union. This is denied vigorously and categorically by both in terms which cannot reasonably be rejected. The arrangements for meetings do not amount to any discourtesy to the Association; indeed, on one crucial occasion, an apology is noted in the submission of the Association themselves and this should have been perfectly acceptable. As to the minutes of the Board's enquiry, it was the intention of the Board to reach and announce their decision on that day. In these circumstances, it was reasonable that they should dispense with formal minutes; it was the recording of the decision that was important and this was conveyed immediately and in detail to the parties. In their use of Union qualified personnel, the Board were properly seeing to the discharge of their responsibilities for production and safety.

113. There was much concern about conciliation procedure. At the very least, it could have been conceded that the Board's reading of the documents was not an unreasonable version. As to the insistence upon a pit meeting, the first opportunity had in fact been declined by the Association and, in a deteriorating situation, the Board acted at appropriate levels. The entire argument about conciliation procedure comes as an odd presentation by a union area in breach of their own national rules.

114. Throughout all these proceedings, the situation presented features which are by no means unusual: rivalry, misunderstanding, rumour and conflict, leading increasingly to errors of judgment about facts, attitudes and the intentions of others. These must be dealt with by men carrying great industrial responsibilities, not by recriminations and certainly not by facile claims of exceptional circumstances justifying the breach of wisely designed and well established rules; disputes can be resolved by such men reasoning together in a spirit of common endeavour and with mutual confidence, understanding and respect. One of the happier incidents during the hearing was the response when, at my invitation, any possible suggestion of impugning personal integrity was removed to everyone's obvious satisfaction. Here was evidence of a reserve of goodwill which can be mobilised in dealing with these tangled affairs. In all this, a small, loyal Association, far from being black-mailed and exploited has a place which is understood and appreciated.

115. The arduous nature of coal mining is well recognised, but there is a risk of its being exaggerated and distorted. There are indeed unusual dangers underground, some of them unique, and those who face them, of whatever rank, are entitled to the respect and gratitude of the entire community. At the same time, it must be recognised that other industries present hazards and unpleasant working conditions of heat and strain which make heavy demands upon the skill and character of those who work in them. These circumstances no doubt lead to vigorous exchanges between men at all levels but they need not be over-emphasised nor misguidedly paraded as evidence of toughness; this can and does find expression and outlet in better ways and with more dignity than a perpetual series of swearing incidents.

116. It is evident that the Board and the two unions must continue to work within a complex set of relationships. They all have a great part to play in an industry which is vital to the nation, and within that industry South Wales presents unusually difficult features. The grievances of the Association have been thoroughly ventilated. In my view, they can safely set aside their apprehensions and accept the assurances given to them during the course of the Inquiry by the Union and the Board, both of whom wish to co-operate. There is, in particular, the Board's offer, which should be accepted, of high level discussions of any wider matters involving standards of discipline and relationships which either union wish to raise.

117. In the last resort, it is for these organisations themselves and their members to find ways of working together in harmony. There will always be a condition of tension between them but if they contemplate the harp they will readily understand how an instrument under severe tension can create harmony. The condition is not unusual in human affairs and it is by no means confined to industrial relations. The essential requirements are, in all cases, the acceptance of common objectives, the adoption of flexible attitudes, the cultivation of respect for other men and an insight into their problems and responsibilities, and above all, a determination to put the inevitable tensions not to destructive but to constructive use.

118. I am grateful to Mr. D. W. Jones, Secretary, for the assistance he has given me both in the conduct of the Inquiry and in the preparation of the Report and I wish to record my warm thanks for all the help he has given to me.

GLYN PICTON.

D. W. JONES (*Secretary*)

12th August 1965.

APPENDIX 1

National Coal Board,
South Western Division,
Divisional Offices,
Ty Glas Avenue,
Llanishen,
CARDIFF.
19th May, 1965.

E. J. White, Esq. (3 cc)
President,
N.A.C.O.D.S.,
27, St. Benedict Crescent,
CARDIFF.

Dear Mr. WHITE,

DEEP DUFFRYN COLLIERY : ENQUIRY

The Board have considered the report of the Enquiry over which Mr. Watcyn Williams presided accompanied by you and Mr. David Francis, General Secretary of the National Union of Mineworkers (South Wales Area) and find that it is clearly established that both parties to the incident swore at one another.

Whilst the Board are aware that the boy is not 18 years of age, his language (whether the Deputy swore first or not) cannot be accepted as reasonable behaviour by the boy.

The Deputy is an official of 44 years of age and of 5 years standing. The Board cannot condone or fail to condemn his language on this occasion. Moreover, the Board look to managerial grades to set an example of conduct in these matters.

The Board have considered carefully the action they should take in this matter. The Board know that, unhappily, the use of bad language is not rare in the pits. Nevertheless, if reasonable standards of conduct and discipline are to be maintained—and it is essential in the interests of safety and good relationships that this should be so—the Board feel compelled to mark disapproval of the action of the Deputy and the boy.

As already stated, the Board do not contemplate in this case the dismissal or downgrading of either party. The Board have decided, however,

- (i) that John Pugh should be placed in charge of a district at Deep Duffryn other than V.35 Training District. This does not imply that in the Board's view Pugh must not at any time be in charge of a Training District.
- (ii) that Roger Jones should be moved in his present grade and job to another part of the pit not being the district of John Pugh.
- (iii) that if the National Union of Mineworkers and your Association consider that standards of discipline and relationships at the Colliery require to be improved by discussion at higher than Colliery level, the Divisional Board will willingly assist in achieving this end.

The Board earnestly hope that the implementation of these decisions will lead to a re-establishment of the reasonable relationships which have hitherto been a feature of Deep Duffryn Colliery.

The Board have instructed Mr. T. Wright, the Area General Manager, to implement their decisions immediately and copies of this letter have been given to Mr. Wright for issue to local representatives of your Association and those of the National Union of Mineworkers.

A similar letter is being sent to Mr. D. Francis.

Yours sincerely,
(sgd.) E. A. LEWIS,
Secretary.

APPENDIX 2

STOPPAGE OF WORK BY UNDER-OFFICIALS IN THE SOUTH WALES COALFIELD MAY/JUNE 1965

NUMBER OF MEN AFFECTED

Approximately 3,500 Under-officials were involved in the strike, which began on 19th May and ended on 2nd June. Of the 63,000 men on colliery books in South Wales, the following estimated numbers were rendered idle as a result of the strike.

<i>Date</i>							<i>Estimated Number of Mineworkers rendered idle</i>
19th May	...	...	...	...	...	...	Nil
20th May	...	...	...	...	...	...	Nil
21st May	...	...	...	...	...	...	2,920
24th May	...	...	...	...	...	...	13,606
25th May	...	...	...	...	...	...	30,350
26th May	...	...	...	...	...	...	31,067
27th May	...	...	...	...	...	...	30,220
28th May	...	...	...	...	...	...	30,178
31st May	...	...	...	...	...	...	30,790
1st June	...	...	...	...	...	...	28,879
2nd June	...	...	...	...	...	...	23,144

APPENDIX 3

EXTRACT FROM LETTER DATED 16th SEPTEMBER 1960

From the Board's Director-General of Industrial Relations to the Association's National Secretary

" . . . There are one or two further points I should mention to you. The first is that in paragraph 3 of the draft National Agreement we have so defined questions to be dealt with under the Scheme that they do not include the termination of the contract of service of any Deputy. This would cover also any termination of the contract of service within a man's present grade. But, while these matters would not be referable to the Conciliation Scheme as such, we would, of course, be prepared to make full provision for the Association to be able to ventilate at the appropriate level any disagreement they might have with the action taken by Management.

The following are specifically excluded:—

- (i) Questions relating to the breach by any Deputy of provisions of the Acts regulating coal mines and of statutory regulations.
- (ii) Any matter relating to the scheduling of projects under the Compensation for Redundancy Agreement. As you know, we have agreed with you that, since the scheduling of projects affecting Under-Officials is inseparable from the scheduling of projects affecting mineworkers a special procedure should be devised for dealing with these questions.

In paragraph (2) of the National Scheme we have proposed 14 members on each side instead of ten, which you originally suggested. Ten members would not be sufficient to enable us to have all our Divisions represented along with an adequate number of representatives from Headquarters.

In the Model Divisional Agreement we envisage the possibility of Divisional Agreements being made with more than one of your Area Associations.

No doubt you will wish to look through the draft very carefully, and we shall then look forward to your comments upon it. When we have finally reached agreement, the new Scheme will clearly supersede the existing Clause 45 of the Deputies' Agreement of 20th January 1959, and we should have in consequence to agree the deletion of that Clause.

Yours sincerely,

(Signed) J. V. WOOD."

APPENDIX 4

LETTER DATED 15th NOVEMBER 1962

From the then Board Member of Industrial Relations to the
Association's National Secretary

National Coal Board,
Hobart House,
Grosvenor Place,
LONDON S.W.1.
15th November, 1962

Dear Mr. CRAWFORD,

CONCILIATION SCHEME FOR DEPUTIES

Thank you for your letter of October 18th 1962.

As you point out, Clause 3(a) of the Divisional Conciliation Agreement excludes from discussion and negotiation under the Scheme questions involving or relating to termination of the contract of service.

As Mr. Wood said in his letter to you of 16th September 1960, the National Agreement defined questions to be dealt with under the Scheme so as not to include termination of contracts of service. Mr. Wood went on to say, however, that while these matters would not be referable to the Conciliation Scheme as such, we would, of course, be prepared to make full provision for the Association to be able to ventilate at the appropriate level any disagreement they might have with the action taken by Management in terminating the contract of service of a Deputy. In other words, we have no objection to informal discussions between the Board and the Association on questions of termination of contract, but we do not consider that any such question can be pursued through the formal conciliation procedure.

It may be that some of our Divisions interpret Clause 3(a) in the Divisional Conciliation Agreements as meaning that they cannot discuss these matters with the Association at all. We are, therefore, writing to all Divisional Industrial Relations Directors reminding them of the terms of Mr. Wood's letter of 16th September 1960.

Yours sincerely,

(Signed) J. CRAWFORD, N.C.B.





CONCILIATION ACT, 1896

MINISTRY OF LABOUR

Report by Mr. J. G. Picton
of an Inquiry into the Difference
in The South Wales Coalfield



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